

## **EXHIBIT B**

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE NATIONAL PRESCRIPTION  
OPIATE LITIGATION

This document relates to:

*CLEVELAND COUNTY V. PURDUE  
PHARMA L.P. ET AL*  
Case No: 1:18-op-45304-DAP

**MDL 2804**

**Case No. 17-md-2804**

**Hon. Dan Aaron Polster**

**AUTHORIZATION FOR THE PEC TO FILE MOTIONS TO AMEND COMPLAINTS  
AGAINST SELECT DEFENDANTS  
FOR COMPLAINT AMENDMENT PURPOSES**

As the attorney of record for Cleveland County, I have reviewed the Court's order entered on May 23, 2024, (Docket No. 5455) lifting the stay on substantive filings in non-bellwether cases and granting the Plaintiffs' Executive Committee ("PEC") leave to file motions to amend complaints to add additional defendants. I have reviewed the additional relevant evidence, including the updated ARCOS data, and information provided by the PEC with my client, the Plaintiff(s) in this case. I hereby request that the PEC incorporate the listed defendants and their associated entities into their Motions to Amend Complaints, on behalf of the Plaintiff(s) in this case as indicated in the following pages.

The Manufacturer and Distributor defendants in the chart below did not meet the threshold described in docket #1106, using 2006-2014 ARCOS data, but have more than 5% market share over the course of the 2015-2019 ARCOS data. The Pharmacy defendants in the chart below have more than 5% market share from 2006-2019 per the ARCOS data. Indivior and Mylan, if listed in the chart below, have more than 5% market share from 2006-2019 per the ARCOS data.

#	Defendant	Defendant Type	2006 - 2014 Market Share (DU)	2015- 2019 Market Share (DU)	Met Threshold 2006-2014 (DU)	2006 - 2014 Market Share (MME)	2015- 2019 Market Share (MME)	Met Threshold 2006-2014 (MME)	2006 - 2019 Market Share (DU)	2006- 2019 Market Share (MME)
1	Indivior Inc.	Manufacturer / Distributor*			N/A			N/A	1.23%	17.41%
2	KVK-Tech, Inc.	Manufacturer / Distributor	1.32%	5.43%	No	1.41%	4.59%	No		
3										
4										
5										
6										

**AUTHORIZATION FOR PEC'S MOTIONS TO AMEND**

By signing below I am certifying that I have read and reviewed Judge Polster's May 23, 2024 Order (Docket No. 5455) and that both counsel and Plaintiff are prepared to spend the time and money necessary to litigate the case against all Defendants it seeks to add via amendment.

☐ I request that the PEC **add** the above-captioned Plaintiff to the motion(s) seeking leave to amend for each of the Defendants listed in the chart above based on market share data from the expanded ARCOS data.

☐ I request that the PEC **not add** the above-captioned Plaintiff to any motion seeking leave to amend, regardless of the fact that certain Defendants have increased market share during the expanded ARCOS timeframe.

☐ I request that the PEC only add the above-captioned Plaintiff to the motion(s) seeking leave to amend for some of the Defendants listed in the chart above, to wit:

☐ I request that the PEC **add** the above-captioned Plaintiff to the motion seeking leave to amend for **PBM Defendant Express Scripts, Inc.**, and its family of companies, based on evidence not related to ARCOS data, some of which is included in the amended complaint filed by Rochester, New York (Dkt. 5346-1).

☐ I request that the PEC **add** the above-captioned Plaintiff to the motion seeking leave to amend for **PBM Defendant OptumRx Inc.**, and its family of companies, based on evidence not related to ARCOS data, some of which is included in the amended complaint filed by Rochester, New York (Dkt. 5346-1).

☐ I request that the PEC **add** the above-captioned Plaintiff to the motion seeking leave to amend for Manufacturing Defendant **Indivior** based on it having more than 5% market share in the above-captioned Plaintiff's jurisdiction, and newly discovered information, some of which is illustrated in its settlement with DOJ (<https://www.justice.gov/opa/pr/indivior-solutions-pleads-guilty-felony-charge-and-indivior-entities-agree-pay-600-million>). I understand that the PEC will only add the above-captioned Plaintiff to the motion seeking leave to amend to add Indivior if a) the market share is 5% or more from 2006-2019; and b) I check this box.

☐ I request that the PEC **add** the above-captioned Plaintiff to the motion seeking leave to amend for Manufacturing Defendant **Mylan** based on it having more than 5% market share in the above-captioned Plaintiff's jurisdiction, and newly discovered information. I understand that the PEC will only add the above-captioned Plaintiff to the motion seeking leave to amend to add Mylan if a) the market share is 5% or more from 2006-2019; and b) I check this box.

I understand that the PEC has provided the information herein to the best of its ability, but that it is my obligation to ensure it is accurate. **I also understand that the PEC is not recommending**

that any particular defendant be added, but is deferring to me and my client to review all of the available information, including the expanded ARCOS data and newly discovered information, and to make an independent decision based on my legal analysis about which defendants, if any, to seek leave to add. I further understand that some information utilized to generate this form, including the defendants named and not named in the above-captioned Plaintiff's complaint, is based on data collected some time ago and therefore may not be completely accurate, so it is my responsibility to make sure that I am adding all appropriate defendants.

Finally, I understand that the PEC **will not add** the above-captioned Plaintiff to any motion seeking leave to amend for any defendant that is not listed within this form. To the extent the above-captioned Plaintiff wishes to add any defendant not listed, I understand that I must file a separate motion on its behalf, to the extent permitted by the Court.

Dated: \_\_\_\_\_

\_\_\_\_\_  
*Counsel for Plaintiff(s)* \_\_\_\_\_

MDL Case No. \_\_\_\_\_

Signature Block (*as it would appear on pleading*)

**PLEASE READ THIS FORM CAREFULLY AND CHECK THE APPROPRIATE BOXES. PLEASE COMPLETE THE REQUIRED RED BOXES, THEN "FILE > SAVE AS..." - IT WOULD BE HELPFUL IF YOU NAME THE FILE BEGINNING WITH YOUR MDL CASE NUMBER. EXAMPLE: "1-18-OP-45486-DAP[...]" THEN RETURN YOUR FORM TO:**

**2804-amendments@levinlaw.com**

**YOU MUST FILL OUT ONE FORM PER PLAINTIFF THAT YOU WISH FOR THE PEC TO INCLUDE IN THEIR MOTIONS TO AMEND.**